

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL WAYNE PARSONS,

Defendant.

4:17CR3038

MEMORANDUM AND ORDER

A hearing was held on March 15, 2018 to discuss Defendant's choice between his right to self-representation and his right to appointed counsel. Counsel for the government, Defendant, and Donald L. Schense, a CJA Panel attorney, attended the hearing. Defendant and Mr. Schense met prior to the hearing to discuss Defendant's case.

During the hearing, Defendant explained his difficulty in preparing for trial given his changing custodial locations, the inability to locate documents following those transfers, and his lack of ability to fully review video evidence. Based on the representations of Defendant, to assure a fair and just resolution, additional time is needed to prepare this case for trial. In addition, during the hearing, the court appointed Mr. Schense to represent Defendant, and Mr. Schense needs time to review this case, determine if pretrial motions should be filed, and prepare for trial.

Accordingly,

IT IS ORDERED:

- 1) On or before March 22, 2018, counsel shall confer and exchange discovery in accordance with NECrimR 16.1 and Fed.R.Crim.P. 16.

Counsel shall disclose discovery as it becomes available and the United States Attorney shall disclose Brady v. Maryland (and its progeny) material as soon as practicable

- 2) Pretrial motions and briefs shall be filed on or before April 30, 2018.
- 3) Since the court has now appointed counsel for Defendant, the government's motion to conduct an inquiry regarding Defendant's waiver of his right to counsel, (Filing No. 75), and Defendant's pro se motion for access to video discovery, (Filing No. 79), are denied as moot.
- 4) Trial of this case is continued pending resolution of any pretrial motions filed.
- 5) A Rule 17.1 conference will be held before the undersigned magistrate judge at 10:00 a.m. on May 9, 2018 in Courtroom 1, (Special Proceedings), Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska to discuss case progression and a potential trial setting. Defendant, defense counsel, and counsel for the government shall be present at the conference.
- 6) The ends of justice served by continuing the trial outweigh the interests of the public and the defendant in a speedy trial, and the time between today's date and May 9, 2018, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

March 15, 2018.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge